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4:15CV3063

United States District Court For Nebraska Lancaster County

Matthew Hunter #80786.*

Adam Koehler #82114, * 42 USCA 1983

Shadoe Sukstorf #82110, * Civil Rights Complaint

Robert Gumpert #81326, * Class Action.

Steve Ebert #82067, *

Orlando Brewer #82091 *

John Bridgeford #82289, plaintiffs. *

v. *

Nebraska Department of *

Corrections, Fred Britton, *

Scot Frakes. *

Defendants. *

Plaintiff representing class action Shadoe Sukstorf. #82110.

Basis of Complaint.

This is a civil rights class action lawsuit challenging the overcrowding conditions at the Diagnostic and Evaluation Center 'DEC' here after in Lincoln Nebraska pursuant to 42 USCA 1983. Defendants herein are responsible for the plaintiffs welfare while being incarcerated at the DEC "Safety and sanitation". Plaintiffs are alleging that the defendants and the administration has purposely began overcrowding the DEC through excessive holding of inmates in a dire condition leading up to a costly and dangerous situation for both inmates and correctional officials as far back as

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DISTRICT OF NEBRASKA
2015 JUN -4 PM 3:30

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LINCOLN

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inmate/plaintiff Andre Pare - 4:15-cv-3055 has suffered a serious and fatal infection STAPHYLOCC PNEUMONIA which he caught "air born disease" sleeping on the cell complex floor by the unit "trash cans" in which he had to be revived by medical staff "whom was not designated to perform such procedure. Inmate George Kitt suffers from a serious mental illness, where he gets violent from schitzoidfrantic has been placed on unit 4 where plaintiff and inmates alike dwell because there is no room ~~in~~ or enough staff to observe him in the medical unit. Inmate George Kitt was housed on unit 4 for sometime. On May 24, 2015 he was removed from the unit after correctional officers over heard him talking to himself about killing himself and other inmates. On May 26, 27, 2015 he was placed back on the unit 4. Were May 29, 2015 he was once again removed from the unit after he had made a shank in his cell and plotted an attack on inmate Myers, whom dont know George Kitt. Inmate Anthony Hancock #82211 is diagnosed with a serious mental illness schitzoidfrantic and has been housed on unit 4 since 5-14-15 and has been denied mental medical services due to the institution only having one doctor whom comes once per week for 4 hrs and there is just to many inmates. The inmates outnumber the correctional officers 8 to 1,

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Statement of Claims

Plaintiffs are currently being housed on unit 4 at DEC. Plaintiff Matthew Hunter #80786 has been housed at the DEC since [redacted] and upon intake he was subjected to sleeping on the unit floor for several weeks before he was offered a cell. During that time, he was subjected to live in a overcrowded complex that was designed to hold 32 inmates with a 22 to 25 inmate overflow. The cell block floors at time became insect infested and ~~rodents~~ rodents. The plaintiff had to store his clean and dirty cloths either on top of the unit lockers or on the floor in a pile of other inmates cloths that blocked the fire exit doors. Defendants Fred Britton and Scot Fraks were aware that the plaintiffs sleeping order was unsafe and unsanitary. Defendants situated Plaintiffs Matthew Hunter #80786, Adam Koehler #82114, Shadon Sukstorf #82110, Robert Gumpert #81326, Orlando Brewer, John Bridgford ~~#82287~~ #82287 in a situation where they ate all 3 meals 10 feet from the toilet facilities and 5 feet from the unit trash cans, knowingly that drain flies infested both of them. Both defendants are aware that in the event of emergency evacuations all inmates would have an extreme difficulty escaping the immediate area because of the 22 to 25 inmates sleeping all over the floor. Right now the unit 4 is established to only house 32 inmates, that's with modified adjustments made since 1993. DEC was constructed to house only 75 inmates, in 1993 it doubled its cells from 1 man cells to 2 man cells upping the population from 175 to 350 inmates.

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and to date now over 530 inmates. Defendants Fred Britton is the warden at DEC and has willfully created the overcrowding since that time. The plaintiffs also are subject to using 2 facilities on the unit and has experienced nights of these facilities breakdown. The plaintiffs are made to endure a noise level and space infractions violating already established law by the constitution's 8th Amendment.

Plaintiffs are currently housed at
Diagnostic and Evaluation Center
P.O. Box 22800
Lincoln Nebraska 68542

Defendant:

Fred Britton is the Warden at DEC and is responsible for the fire code and safety and sanitation of all inmates at DEC

Scot Frakes is the department of corrections penal system overseer. Both Defendants are being sued in their official and individual capacity.
Venue

Venue in this case is proper as the events happened in Lancaster County Nebraska - and all Defendants acted under Color of Law.

All Plaintiffs signature

1. # Matthew Hunter #80786
2. # Adam Kochler #82114

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3. # Shadoc Swkstory #82110
4. # Robert Gumpert #81326
5. # Orlando Brewer #82091
6. # John Bridgeford #82289

Damages & Relief.

The plaintiff herein is requesting this court grants the same relief as similar situated cases NO. 4:15-cv-3054 and similar situated case 4:15-cv-3055

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FILED
U. S. DISTRICT COURT
DISTRICT OF NEBRASKA

In The United States District Court For Lincoln, Nebraska

2015 MAY 26 PM 2:15

Brian Obst #82080, Mathew *

(Miller, #8200), Gary Mattly #82182 *

Ernest Lawrence #73549, * Case No. 4:15CV 3054

Scott Kornahrens #82088, * Civil Rights Complaint

Thad Junge #74205, Kenneth * Class Action.

Hall #82245, Josh Lawrence #82242 *

Walter Minshall #82162, Justin *

James Seffron #82230, Chris *

McWilliams #78331, DeAnthony *

McGuire #82009. *

Plaintiffs *

v. *

Nebraska Department of Corrections *

Fred Britton, Scot Frakes. *

Defendants. *

Plaintiff Representing Class action. Brian Obst #82080.

Basis Of Complaint

This is a civil rights class action lawsuit challenging the overcrowding conditions at the Diagnostic And Evaluation Center, DEC herein after in Lincoln Nebraska. Defendants are responsible to the inmates and plaintiffs alike to create a safe and sanitary prison. 'DEC' Plaintiffs are alleging the defendants has purposely began overcrowding the DEC through excessive holding of inmates in a dire conditions leading up to a costly dangerous situation. for both inmates and correctional staff since 2013. STATEMENT OF CLAIM. Plaintiffs are currently housed in unit 4 at DEC with is 85 plus inmates over capacity which was designed to hold 34. In 2015 the defendants became.

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aware that the 'Dec' all cell houses held over 25 inmates per unit sleeping on the cell block floor. The defendants are very well aware that they are violating space per inmate guidelines by state and federal law. The Defendants are aware that at night correctional staff can not evacuate the units in case of an fire or tornado. Inmates literally covers the complete unit floors, preventing in cell inmates 34 capacity can not at all escape to shelter in the event of an emergency or disaster. Fire drills and tornado drills are not at all conducted at DEC specially at night. The plaintiffs and similar situated inmates are forced to eat breakfast lunch and dinner 10 feet from toilet facilities and 5 feet from infested trash cans on the units. Defendants are fully aware that the space on the units are grotesque that it has in the past created air born disease where another inmate contracted an fatal and serious disease called STAPHYLOCC Pneumonia and had to be revive from death in 2013. The defendants willfully has placed undo overload and stress on the DEC medical staff, where inmates outnumber correctional staff in a whole 8 to 1. in the event of a major disturbance staff could not gain control of the units or its compound. The defendants undo pressure on the medical team causes whats called "passing the buck". Inmates and plaintiffs alike has been made to wait up to 3 weeks before seen by medical staff for health and mental illness, wich has lead to inmates being released without mental evaluations and treatment. "DEC" was designed to housed 175 inmates. in 1993 that number doubled to approx 350 inmates and to date over 530 inmates in small quarters.

Defendant Fred Britton is the Warden at DEC and Scott Finkes is the department of corrections parole system overseers and both

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both have ignored grievance complaints by plaintiffs, inmates and correctional staff alike. The DEC units are infested with various insects and some rodents. 85 inmates are made to use the units 2 toilet facilities, usually leading to break downs of those facilities. Insects fills the plaintiff lockes and food belongings. The Defendants here in has ignored the fact that the plaintiffs exits are blocked by inmates clothings on the floor in a pile blocking the fire escapes. Clean and dirty clothing. The defendants are ignoring the noise and violence level at DEC among inmates and staffs alike. The Defendants have also indulged in a type of conspiracy where knowingly incoming inmates are not given jail credit for time served, purposely overcrowding the system for the so called purpose of creating money and undo stress. Such as inmate Anthony Hancock #82211 whom was given 288 days jail credit by a district judge whom sentenced him on 5-11-15, but once he arrived at DEC was only given 7 months jail credit. The defendants are purposely creating an overcrowding conditions, by holding vast majority inmates over 6 months to 13 months before being sent to other prisons. by also holding inmates whom has 2 to 6 months to complete their sentences for the so called purpose of money and violent situations.

The defendants are also aware that keeping the units sanitise is up to inmates who are self appointed, or correctional officers who are also self appointed. Defendants have willfully violated the plaintiffs 9, 14th Amended rights.

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Defendants

1. # Defendant Fred Britten is the active warden at DEC and he oversees the safety and sanitation as well as crowd control at DEC. He is being sued in his official and individual capacity.

2. # Defendant Scot Frakes is the head director of Nebraska Department of Corrections, and is being sued in his official and individual capacity.

Venue

Venue is proper in this case as all violations herein took place in Lincoln Nebraska Lancaster County. DEC

All defendants acted under color of law.

Plaintiffs

1. Matthew Miller #2000
2. Cory Mattly #2182
3. Ernest Lawrence #73549
4. Scott Korngahrens #82088
5. Justin James Sefton #82230
6. Chris McWilliams #78331
7. DeAnthony McGuire #82009
- 8.

All are currently housed at The DEC unit 4
P.O. Box 22800 Lincoln Ne 68542-2800

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Damages Requested.

- 1# Order on Preliminary Injunctive Order Declaring that the defendants are in direct violations of plaintiffs constitutional rights to be free from cruel and unusual punishment by deliberately overcrowding the DEC, by not rendering jail credits to inmates that promised to them by the courts.
- 2# Order on Preliminary Injunctive Order Declaring that the defendants knowingly and purposely forced overcrowding on the units at DEC subjecting the plaintiff and similar situated inmates to sleep on the complex floors preventing emergencies evacuations and insect infested.
- 3# Order on Preliminary Injunctive Order Declaring that the defendants are in direct violations feeding plaintiffs and situated inmates and correctional officials to eat 10 feet from toilet facilities and 5 feet from unit garbage cans.
- 4# Order on Preliminary Injunctive Order Declaring that the defendants willfully violates state and Federal law by packing inmates cloths in front of the fire exits blocking its doorways.
- 5# Order on Preliminary Injunctive Order Declaring that the defendants willfully have created an overflow of inmates that has resulted in the denial of mental treatment to inmates.
- 6# Order a Preliminary Injunctive Order Declaring that the plaintiffs and situated inmates is in danger of a disaster.

sleeping on the unit floor covering the entire floor were inmates
can not work around.

7.# Order on Preliminary Injunctive Order declaring the defendants
in violation of inmates with disabilities to sleep on the unit floors
as of date 25 plus inmates sleeps on the unit floors.

8.# Order appointment of counsel to represent plaintiffs
in this class action.

9.# Award Plaintiffs damages "Punitive"

10.# Award Manatory Damages.

11.# Award Compensation Damages.

12.# Order that the defendants are seriously incompetent to
oversee the DEC

Plaintiffs prays this court grants any other relief it
feels appropriate.

Signed this 30 day of May 2015

Inmate #
Matthew Mills 82000

Notice: this correspondence was mailed from an institution operated by the Nebraska Department of Corrections. Its contents are uncensored.
Inmate Name: Herbert Edward Hood
Inmate # 82245
P. O. Box 22800
Lincoln, NE 68542-2800

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